



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, September 26, 2017

1. Call to Order/Roll Call.

The meeting was called to order 6:03 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Michael Korbuly
Councilmember Kenneth Dugger (arrived at 6:23 p.m.)
Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary/Public Information Officer
Terry Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Alex Glushko, Senior Planner
Steve Glass, Deputy Director of Engineering Services
Frank Jaromin, Public Works Director
Michael Bulla, CIP Project Manager
Dan Heischman, Senior Engineer
Kelly Neal, Finance Director

2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Doug Kriz led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

On Tuesday, October 3, residents are encouraged to participate in National Night Out by spending the evening outside visiting with neighbors and Prosper's public safety personnel. This annual event was created to heighten awareness, and strengthen participation in local anti-crime efforts. Contact Officer Erin Hubbard for more information or to schedule a block party.

The Prosper Police Department will host "Coffee with a Cop" on Wednesday, October 4, from 8:00-10:00 a.m. at Honeylu's Coffee located in the Kroger shopping center on Preston Road. Residents are invited to get to know their local police officers and ask questions about local police efforts in Prosper. Children are welcome to attend.

Tuesday, October 10 is the last day to register to vote or make a change of address effective for the November 7, 2017, Election. Voter registration cards are available in Town Hall. More information is available on the Collin County or Denton County websites. Residents are invited to join the fun at Prosper's Homecoming Parade, to be held on Wednesday, October 11th, starting at 5:30 p.m. Come see a variety of floats representing Prosper's community and school groups at one of the Town's biggest fall events.

The 6th Annual Cory Ausenbaugh Memorial 5k and 1 Mile Fun Run will be held on Saturday, October 28, at Windsong Ranch. Proceeds will benefit the Cory Ausenbaugh Memorial Scholarship Foundation for a deserving Prosper High School Senior who is pursuing a degree in education, and children of fallen firefighters, police officers, and teachers. Contact Fire Chief Stuart Blasingame for more information.

4. Presentations.

- **Presentation of a Proclamation to members of the Prosper Police and Fire Departments declaring October 3, 2017, as *National Night Out*. (RB)**

Mayor Smith presented the Proclamation to Police Chief Kowalski and Fire Chief Blasingame.

- **Demonstration of the myPROSPER Mobile App. (LJ)**

Information Technology Director Leigh Johnson provided a demonstration of the Town's new mobile app.

5. CONSENT AGENDA:

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

- 5a. Consider and act upon minutes from the following Town Council meeting. (RB)**

- **Special Meeting – September 5, 2017**
- **Regular Meeting – September 12, 2017**

- 5b. Consider and act upon Resolution No. 17-70 amending Resolution No. 10-64 and Resolution No. 10-104 relative to the Employee Benefits Trust. (KN)**

- 5c. Consider and act upon Resolution No. 17-71 designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2017-2018. (RB)**

- 5d. Consider and act upon adopting the FY 2017-2018 Prosper Economic Development Corporation budget. (RS)**

- 5e. Consider and act upon Resolution No. 17-72 of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.359 acres of real property, situated generally in the Bryants First Addition, Block 7, in the Town of Prosper,**

Collin County, Texas, necessary for the construction of the First Street Project and for other public purposes permitted by law. (HW)

- 5f. Consider and act upon Resolution No. 17-73 of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.479 acres of real property, situated generally in the Elisha Chambers Survey, Abstract No. 179, in the Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail (Kroger – Coit) Project and for other public purposes permitted by law. (HW)**
- 5g. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between North Texas Municipal Water District and the Town of Prosper, Texas, regarding the Regional Capacity Management, Operations and Maintenance (RCMOM) Program. (FJ)**
- 5h. Consider and act upon authorizing the Town Manager to execute Amendment Eleven to the Interlocal Agreement between Collin County and the Town of Prosper, Texas, extending the agreement through FY 2017-2018, relating to Animal Sheltering Services. (JW)**
- 5i. Consider and act upon authorizing the Town Manager to execute Amendment Eleven to the Interlocal Agreement between Collin County and the Town of Prosper, Texas, extending the agreement through FY 2017-2018, relating to Animal Control Services. (JW)**
- 5k. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan or Preliminary Site Plan. (AG)**

Deputy Mayor Pro-Tem Dixon removed Item 5j from the agenda.

Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 6-0.

- 5j. Conduct a Public Hearing, and consider and act upon a request to rezone 2.5± acres from Downtown Retail (DTR) to Planned Development-Downtown Retail (PD-DTR) to facilitate the development of a food truck park and outdoor entertainment venue (Silo Park), located on the northeast corner of W. Broadway Street and McKinley Street. (Z17-0009). (AG)**

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to table Item 5j and continue the Public Hearing to the October 10, 2017, Town Council meeting. The motion was approved by a vote of 6-0.

6. CITIZEN COMMENTS:

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please

complete a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.

Mike Korbuly, 801 Shadow Hill Drive, Prosper, read a personal statement from the podium in response to NFL players and others kneeling during the National Anthem.

REGULAR AGENDA:

If you wish to address the Council during the regular agenda portion of the meeting, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.

PUBLIC HEARINGS:

- 7. Conduct a Public Hearing, and consider and act upon a request for a Variance to Section 1.09 of the Sign Ordinance, regarding Wall Signs, for Texas Bank, located on the northwest corner of First Street and Preston Road. (V17-0007). (AG)**

Councilmember Dugger arrived at 6:23 p.m. and took his place at the Council bench.

Senior Planner Alex Glushko presented this item before the Town Council. The Town’s Sign Ordinance limits the height of tenant wall signs to a maximum height of three feet, where the height of the tenant wall area is 20 feet or less. The applicant is requesting a maximum sign height of eight feet and to locate the wall sign on the second floor of the building in order to provide proportionate signage for the overall building height. Mr. Glushko confirmed that additional tenants in the building would be entitled to their own signs by right, without Council approval, as long as the signs were in compliance with the Sign Ordinance.

Mayor Smith opened the Public Hearing.

Bob Lowrimore, the applicant, confirmed that the bank would consider allowing additional signs for tenants of the building.

With no one else speaking, Mayor Smith closed the Public Hearing.

Bruce Carlin, speaking on behalf of Texas Bank, stated that the design of the building would make it difficult for tenants to install anything larger than what is allowable in the Sign Ordinance.

The Council encouraged Town staff to include provisions in the upcoming Sign Ordinance revision to address excessive signage on multi-story buildings.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to approve a Variance to Section 1.09 of the Sign Ordinance, regarding Wall Signs, for Texas Bank, located on the northwest corner of First Street and Preston Road. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon a request to rezone 47.9± acres from Agriculture (A) to Planned Development (PD), for a Prosper ISD (PISD) athletic complex with a multi-sport stadium and a natatorium, located on the south side of Frontier Parkway, 460± feet west of the Burlington Northern-Santa Fe Railroad (BNSF) right-of-way. (Z17-0008). (AG)

Senior Planner Alex Glushko presented this item before the Town Council. The purpose of the proposed PD amendment is to allow for the development of a Prosper ISD athletic complex containing a multi-sport stadium, natatorium, and associated parking. The seating capacity of the stadium is approximately 12,000 and the seating capacity of the natatorium is approximately 500. To facilitate this request, reductions to the Town's minimum parking, architectural, and landscaping requirements are being requested by PISD. Mr. Glushko reviewed the details of the request.

Mayor Smith opened the Public Hearing.

Dr. Greg Bradley, Assistant Superintendent of Business and Operations, spoke on behalf of Prosper ISD, the applicant. He explained that the proposed overpass at Frontier Parkway may cause Collin County to require additional right-of-way that may encroach onto the property, which would eliminate some parking and landscaping.

Bill Smith, Landscape Architect with Teague Nall and Perkins, responded to questions from the Council about landscape maintenance on the site.

Dr. Bradley stated that discussions on a proposed shared parking agreement between PISD and the Town are ongoing. Both parties are working to ensure that all of the appropriate stipulations are included in the agreement.

Chris Schmidt, engineer with Teague Nall and Perkins, addressed line of sight issues at the entry to the property. He assured the Council that side visibility was evaluated during the design process to ensure proper visibility.

Joe Tremblay, representing Huckabee Architects, responded to questions from the Council on parking access during construction. He discussed the various phases of parking construction. The Town will be allowed access to the temporary parking area used for contractor during construction. Additional parking will be made available throughout the various stages of construction.

With no one else speaking, Mayor Smith closed the Public Hearing.

Town Attorney Terry Welch advised the Council to include wording in the motion to address the possibility of the County requiring additional right-of-way.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to approve the request to rezone from Agriculture (A) to Planned Development (PD) for 47.9± acres, for a Prosper ISD (PISD) athletic complex with a multi-sport stadium and a natatorium, located on the south side of Frontier Parkway, 460± feet west of the Burlington Northern-Santa Fe Railroad (BNSF) right-of-way. Further, in the event that Collin County requires more right-of-way on the northeast corner of the property than reflected in Exhibit D, parking and landscaping requirements on the property shall be modified accordingly, and any revisions shall be subject to the approval of the Town's

Executive Director of Development and Community Services. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 4, Section 2 of the Zoning Ordinance, regarding landscaping maintenance. (Z17-0011). (AG)

Councilmember Korbuly stepped away from the Council bench at 7:04 p.m.

Senior Planner Alex Glushko presented this item before the Town Council. The proposed amendment codifies the requirement to maintain trees on Town-owned property, requires the development and maintenance of a work program, and gives the Parks and Recreation Board the option of establishing an advisory committee to assist on issues that are related to trees on public property. The proposed amendment is required for the Town to achieve the designation of Tree City USA by the Arbor Day Foundation and is consistent with other communities' standards applicable to their Tree City USA designation. The amendment will not change the tree care requirements or responsibilities on private property.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

Councilmember Dugger made a motion and Councilmember Hodges seconded the motion to approve Ordinance No. 17-74 amending Chapter 4, Section 2 of the Zoning Ordinance, regarding landscaping maintenance. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

10. Consider and act upon approving the purchase of lighting and installation services for the Eagles Landing Park and Folsom Park lighting project, from Musco Lighting LLC through the Texas Local Government and Cooperative. (DR)

Councilmember Korbuly returned to the Council bench at 7:07 p.m.

Matt Furr, Parks Superintendent, presented this item before the Town Council. The project will include energy efficient LED lights and poles for two backstops on the north side of Eagles Landing Park. A light glare analysis was performed to ensure that the amount of light visible from adjacent homes will be minimized.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve the purchase of lighting and installation services for the Folsom Park and Eagles Landing Park lighting project, from Musco Lighting LLC through the Texas Local Government Cooperative. The motion was approved by a vote of 7-0.

11. Consider and act upon authorizing the Town Manager to execute the First Amendment to an Agreement between Prosper Independent School District and the Town of Prosper, Texas, related to the installation of lights at Eagles Landing Park. (DR)

Matt Furr, Parks Superintendent, presented this item before the Town Council. In 2004, the Town and the Prosper Independent School District (PISD) entered into an Intergovernmental Joint Use and Lease Agreement for a portion of the Judy Rucker

Elementary School site. That agreement allowed the Town to construct multi-use recreational fields for use by Town residents for youth sports, known as Eagles Landing Park. The proposed First Amendment to the Agreement grants permission to the Town of Prosper from the PISD to install sports lighting at the practice area with two backstops.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute the First Amendment to an Agreement between Prosper Independent School District and the Town of Prosper, Texas, related to the installation of lights at Eagles Landing Park. The motion was approved by a vote of 7-0.

12. Discussion on proposed Detention/Retention requirements in the Drainage Design Standards. (DH)

Senior Engineer Dan Heischman presented this item before the Town Council. Town staff presented proposed drainage design standards to the Town Council as part of a Public Hearing on May 9, 2017. At that time, staff was directed to revise the proposed standards to require all detention to be either retention or underground. The Prosper Developers Council (PDC) has expressed concern with eliminating dry detention ponds entirely. Town staff has worked with the PDC to develop guidelines to allow for a dry pond alternative. Mr. Heischman reviewed the proposed amendments to the drainage standards. After discussion, Town staff was directed to limit all detention to either retention or underground; however, the standards may be revised to allow for specific criteria under which the Council may grant an exception. A proposed ordinance will be presented to the Town Council at a future meeting.

13. EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

13a. Section 551.087 – To discuss and consider economic development incentives.

13b. Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

13c. Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:29 p.m.

14. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Regular Session at 8:27 p.m. No action was taken as a result of Executive Session.

Councilmember Miller left the meeting at 8:28 p.m.

15. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

- **Urban Transit Service (HW)**

Hulon Webb, Executive Director of Development and Community Services, reviewed several options for contracted transit services for elderly and disabled residents. The Council directed staff to continue to research options for this service.

- **Gateway Monument Design Update (HW)**

Hulon Webb, Executive Director of Development and Community Services, updated the Council on the design of the Gateway Monument at US 380 and Preston Road. Town staff was directed to revise the design of the top of the column, include lighting at the base of the monument, and determine where flags will be placed in proximity to the monument on holidays.

16. Adjourn.

The meeting was adjourned at 8:46 p.m., on Tuesday, September 26, 2017.

These minutes approved on the 10th day of October, 2017.



ATTEST:

Robyn Battle

Robyn Battle, Town Secretary

APPROVED:

Ray Smith

Ray Smith, Mayor